REMARKS

Claims 1, 3-11, 13-19 and 21-24 are pending in this application. By this Amendment, claims 1, 3, 6-11, 13-19 and 21-24 are amended and claims 12 and 26-27 are canceled without prejudice or disclaimer. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

The Office Action rejects claims 1, 4-8, 10-19, 21-24 and 26-27 under 35 U.S.C. §103(a) over U.S. Patent 6,944,178 to Charriere et al. (hereafter Charriere) in view of newly-cited U.S. Patent Publication 2005/0207388 to Rinne et al. (hereafter Rinne). The Office Action also rejects claims 3 and 9 under 35 U.S.C. §103(a) over Charriere in view of Rinne and U.S. Patent Publication No. 2002/0085531 to Herrmann et al. (hereafter Herrmann). The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites receiving information from each of a plurality of logical channels, each received information including information about an amount of re-transmission data that exists in a buffer that corresponds to the specific logic channel. Independent claim 1 also recites selecting data to transmit from one of the plurality of logical channels based at least on the received information about the amount of the re-transmission data that exists in the corresponding buffer for each specific logical channel. Independent claim 1 also recites that the re-transmission data corresponds to data that was previously partially sent to a transport channel.

The applied references do not teach or suggest at least these features of independent claim 1. More specifically, the Office Action (on page 3) states that Charriere does not disclose a data characteristic used to select data from one of the channels includes an amount of re-transmission data that exists for a specific logic channel. The

Office Action then cites Rinne's paragraphs [0046]-[0060] for these missing features. However, the cited sections of Rinne do not teach or suggest the specific features relating to re-transmission data and an amount of re-transmission data, wherein the re-transmission data corresponds to data that was previously partially sent to a transport channel.

Rinne merely discloses that the selection of the logic channel can be based on: a number of messages to be sent (paragraph [0044]), a number of messages already in the transmission buffer (paragraph [0046]), priority and delay requirements of messages waiting in a transmission queue (paragraph [0047]), the effect of use of the channel on QoS (paragraph [0050]) and the usage ratio of channels allocated to signaling (paragraph [0051]). Rinne does not disclose an amount of re-transmission data that exists in a buffer that corresponds to a specific logic channel as recited in independent claim 1.

Rinne's paragraphs [0046]-[0060] do not teach or suggest selecting data based at least on the received information about the amount of the re-transmission data that exists in the corresponding buffer for each specific logic channel and wherein the re-transmission data corresponds to data that was previously partially sent to a transport channel. The cited sections of Rinne do not teach or suggest features relating to re-transmission data and/or retransmission data that exists in a buffer. At best, Rinne's paragraph [0057] merely discloses that an RLC may select a correct transmission format for a connection which includes selection of re-transmission of faulty frames. Rinne has no teaching or suggestion for the specifically claimed features of re-transmission data and/or an amount of re-transmission data that exists in a buffer (that corresponds to the specific logic channel).

For at least the reasons set forth above, Charriere and Rinne do not teach or suggest all the features of independent claim 1. Herrmann does not teach or suggest features of independent claim 1 missing from Charriere and Rinne. Thus, independent claim 1 defines patentable subject matter.

Independent claim 8 recites receiving information corresponding to a data amount of a buffer and a characteristic of data to be transmitted from a plurality of logical channels, and selecting data to transmit from one of the plurality of logic channels based at least on the data characteristic of each channel. Independent claim 8 also recites that selecting the data comprises: determining which ones of the plurality of logic channels include re-transmission data in a buffer corresponding to the specific logic channel, wherein the re-transmission data includes data previously sent with a data loss, and selecting one of the logical channels based on an amount of the re-transmission data and a priority of each of the logical channels that are determined to include the re-transmission data in their corresponding buffer.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 8. More specifically, the applied references do not teach or suggest determining which ones of the plurality of logic channels include re-transmission data in a buffer corresponding to the specific logic channel, wherein the re-transmission data represents data previously sent with a data loss. Rinne does not suggest the features relating to re-transmission data in a buffer where the re-transmission data represents data previously sent with a data loss.

The applied references also do not teach or suggest selecting one of the logical channels based on an amount of the re-transmission data and a priority of each of the

logical channels that are determined to include the re-transmission data in their corresponding buffer, as recited in independent claim 8. Rinne does not teach or suggest these features relating to selecting based on an amount of the re-transmission data. Additionally, the Office Action does not discuss the feature of selecting one of the logic channels based on a priority of each of the logic channels that are determined to include the re-transmission data in their corresponding buffer. Rinne does not suggest this feature alone (on including the feature of based on an amount of the re-transmission data). Thus, independent claim 8 defines patentable subject matter.

Independent claim 11 recites receiving information from each of a plurality of logical channels, and selecting data of a specific one of the logical channels based on priorities of the logical channels and based on an amount of re-transmission data that exists for each logical channel in a corresponding buffer, the selected data based on the received information, wherein the re-transmission data corresponds to data that was previously partially sent from one of the logic channels. Independent claim 11 also recites transmitting the selected data from the transport channel.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 11. More specifically, the applied references do not teach or suggest selecting data of a specific one of the logical channels based on priorities of the logical channels and based on an amount of re-transmission data that exists for each logical channel in a corresponding buffer, the selected data based on the received information, wherein the re-transmission data corresponds to data that was previously partially sent from one of the logic channels. Rinne does not suggest these features relating to re-transmission data. Rinne (and the other applied references) also

does not suggest these features relating to selecting based on priorities of the logic channels. Thus, independent claim 11 defines patentable subject matter.

Independent claim 19 recites receiving information regarding data characteristics of a plurality of logical channels, the received information including re-transmission information. Independent claim 19 also recites selecting one of the logical channels based at least on the received re-transmission information regarding an amount of re-transmission data that exists for each specific logical channel in a corresponding buffer.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 19. Thus, independent claim 19 defines patentable subject matter.

Independent claim 23 recites a plurality of logical channels each to transmit information regarding a data characteristic of the respective logical channel, each logic channel including a corresponding buffer. Independent claim 23 also recites a transport channel to select one of the logical channels based at least on the transmitted information regarding the data characteristic of each respective logical channel, wherein the transport channel determines whether the logical channels include re-transmission data in the corresponding buffers and the transport channel selects one of the logical channels based on priorities of the logical channels that include the re-transmission data and an amount of the re-transmission data that exists in the corresponding buffers for the specific logical channels.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 23. Thus, independent claim 23 defines patentable subject matter.

Accordingly, each of independent claims 1, 8, 11, 19 and 23 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 3-11, 13-19 and 21-24 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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